

AMENDED IN ASSEMBLY MAY 12, 2014  
AMENDED IN ASSEMBLY AUGUST 8, 2013  
AMENDED IN ASSEMBLY AUGUST 5, 2013  
AMENDED IN SENATE MAY 28, 2013  
AMENDED IN SENATE APRIL 24, 2013  
AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 173**

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**Introduced by Senator Liu**

February 5, 2013

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An act to ~~amend, repeal, and add Sections 41976 and 84757 of, and to add Sections 52524, 76382, and 78402 to, 52524, 78402, and 84757.5~~ to the Education Code, relating to education funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as amended, Liu. Education funding: adult ~~health and safety~~ education.

(1) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, to execute numerous statutes and policies relating to the funding and governance of public elementary and secondary schools throughout the state. Existing law authorizes the governing board of a school district maintaining secondary schools to establish and maintain classes for adults, as specified.

*Existing law requires the Chancellor of the California Community Colleges and the State Department of Education, pursuant to funding made available in the annual Budget Act, to jointly provide 2-year*

*planning and implementation grants to regional consortia of community college districts and school districts for the development of regional plans for adult education. Existing law requires the chancellor and the department to submit a joint report relating to this adult education consortium program to the Legislature and the Governor on or before March 1, 2015.*

This bill would require the department, in conjunction with the Office of the Chancellor of the California Community Colleges, to coordinate and issue assessment policy guidelines regarding assessments to be used by school districts and community college districts for purposes of placement in adult education courses offered by those districts *as part of an adult education consortium*. The bill would also require the department and the chancellor's office, *as a part of the report required under the adult education consortium program*, to jointly ~~establish and implement a comprehensive performance~~ *develop and issue policy recommendations to the Legislature regarding a comprehensive* accountability system for adult education courses offered by school districts and community college districts in accordance with prescribed requirements.

~~(2) Existing law authorizes specified classes and courses to be offered by school districts and county superintendents of schools for purposes of apportionments from the adult education fund.~~

~~This bill, commencing on July 1, 2015, would delete the existing authorization for adult programs in parenting, home economics, and health and safety education, and adult programs for older adults, to receive apportionments from the adult education fund. The bill would provide that it does not limit the authority of a school district to offer adult education programs and courses for older adults in health and safety education or programs in parenting, or both, provided that those programs or courses are funded through alternative funding sources, as defined, including fees, if the district is authorized to charge fees for these purposes.~~

~~(3) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires specified noncredit community college courses and classes to be eligible for program-based funding from the state. Existing law requires community college districts to charge students a designated enrollment fee, and authorizes community college districts to charge students specified fees relating~~

to, among other things, health services, parking, transportation, student body center buildings and operations, and physical education courses requiring the use of nondistrict facilities. Existing law also prohibits an adult enrolled in a noncredit course from being required to pay a fee of any kind for a class in English and citizenship for foreigners.

~~This bill, commencing on July 1, 2015, would delete the authorization for noncredit community college parenting, older adults, home economics, and health and safety education courses and classes to receive program-based funding from the state. The bill would provide that it does not limit the authority of a community college district to offer adult education programs and courses for older adults in health and safety education or programs in parenting, or both, provided that those programs or courses are funded through alternative funding sources, as defined, including fees, if the district is authorized to charge fees for these purposes. This bill would authorize the governing board of a community college district to charge a fee for adult education courses, other than classes in English and citizenship, in accordance with specified regulations and procedures.~~

*The bill would require the chancellor's office and the State Department of Education to coordinate and issue recommendations and fee policy guidelines to be used by school districts and community college districts regarding the authority to charge fees for courses offered pursuant to the adult education consortium program.*

*The bill would require the Office of the Chancellor of the California Community Colleges, in conjunction with the State Department of Education, to annually report on the number and types of courses being taught and the number of students being served with funding provided to the adult education consortia.*

*The bill would require the chancellor's office to annually report on the number and types of noncredit courses being taught and the number of students being served with funding provided to the community colleges for noncredit courses offered pursuant to a specified statute. The bill would require the chancellor's office to identify any deficits in course offerings based upon levels, types, and needs for adult education programs identified in adult education consortium plans.*

~~(4)~~

(2) The bill would require the Commission on Teacher Credentialing and the Academic Senate for California Community Colleges to jointly develop and submit recommendations to specified policy and fiscal

committees of the Legislature for modifying or establishing reciprocity standards for instructors of adult education courses by July 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 41976 of the Education Code is amended~~  
2     ~~to read:~~  
3     ~~41976. (a) For purposes of this chapter, the following classes~~  
4     ~~and courses are authorized to be offered by school districts and~~  
5     ~~county superintendents of schools for apportionment purposes~~  
6     ~~from the adult education fund:~~  
7     ~~(1) Programs in parenting, including parent cooperative~~  
8     ~~preschools, and classes in child growth and development and~~  
9     ~~parent-child relationships.~~  
10    ~~(2) Elementary and secondary basic skills and other courses and~~  
11    ~~classes required for the high school diploma. Apportionments for~~  
12    ~~these courses and classes may only be generated by students who~~  
13    ~~do not possess a high school diploma or high school equivalency~~  
14    ~~certification, except for remedial academic courses or classes in~~  
15    ~~reading, mathematics, and language arts.~~  
16    ~~(3) English as a second language.~~  
17    ~~(4) Classes and courses for immigrants eligible for educational~~  
18    ~~services in citizenship, English as a second language, and~~  
19    ~~workforce preparation classes in the basic skills of speaking,~~  
20    ~~listening, reading, writing, mathematics, decisionmaking and~~  
21    ~~problem solving skills, and other classes required for preparation~~  
22    ~~to participate in job specific technical training.~~  
23    ~~(5) Education programs for adults with disabilities.~~  
24    ~~(6) Short-term career technical education programs with high~~  
25    ~~employment potential.~~  
26    ~~(7) Programs for older adults.~~  
27    ~~(8) Programs for apprentices.~~  
28    ~~(9) Programs in home economics.~~  
29    ~~(10) Programs in health and safety education.~~  
30    ~~(b) State apportionment shall not be made for any course or~~  
31    ~~class that is not set forth in subdivision (a).~~  
32    ~~(c) This section shall become inoperative on July 1, 2015, and,~~  
33    ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~

1 that becomes operative on or before January 1, 2016, deletes or  
2 extends the dates on which it becomes inoperative and is repealed.

3 SEC. 2. Section 41976 is added to the Education Code, to read:

4 41976. (a) For purposes of this chapter, the following classes  
5 and courses are authorized to be offered by school districts and  
6 county superintendents of schools for apportionment purposes  
7 from the adult education fund:

8 (1) Elementary and secondary basic skills and other courses and  
9 classes required for the high school diploma. Apportionments for  
10 these courses and classes may only be generated by students who  
11 do not possess a high school diploma or high school equivalency  
12 certification, except for remedial academic courses or classes in  
13 reading, mathematics, and language arts.

14 (2) English as a second language.

15 (3) Classes and courses for immigrants eligible for educational  
16 services in citizenship, English as a second language, and  
17 workforce preparation classes in the basic skills of speaking,  
18 listening, reading, writing, mathematics, decisionmaking and  
19 problem-solving skills, and other classes required for preparation  
20 to participate in job-specific technical training.

21 (4) Education programs for adults with disabilities.

22 (5) Short-term career technical education programs with high  
23 employment potential.

24 (6) Programs for apprentices.

25 (b) State apportionment shall not be made for any course or  
26 class that is not set forth in subdivision (a).

27 (c) This section does not limit the authority of a school district  
28 to offer adult education programs and courses for older adults in  
29 health and safety education or programs in parenting, or both,  
30 provided that those programs or courses are funded through  
31 alternative funding sources, including fees, if the school district  
32 is authorized to charge fees for these purposes.

33 (d) As used in this section:

34 (1) "Alternative funding sources" include any sources of state  
35 or nonstate funding other than funding from a state apportionment  
36 as defined in paragraph (2).

37 (2) "State apportionment" includes funds received pursuant to  
38 Budget Act appropriations for adult education, but does not include  
39 funds received pursuant to Budget Act appropriations from other  
40 state or nonstate funding sources or the revenue limit

1 apportionment made pursuant to Article 2 (commencing with  
2 Section 42238) of Chapter 7.

3 ~~(e) This section shall become operative on July 1, 2015.~~

4 ~~SEC. 3.~~

5 *SECTION 1.* Section 52524 is added to the Education Code,  
6 to read:

7 52524. (a) The department, in conjunction with the  
8 chancellor's office, shall coordinate and issue assessment policy  
9 guidelines regarding assessments to be used by school districts  
10 and community college districts for purposes of placement in adult  
11 education courses offered pursuant to Sections 41976 and 84757.  
12 *Section 84830.*

13 (b) The department and the chancellor's office, *as a part of the*  
14 *report and recommendations required pursuant to paragraph (1)*  
15 *of subdivision (f) of Section 84830*, shall jointly ~~establish and~~  
16 ~~implement~~ *develop and issue policy recommendations to the*  
17 *Legislature regarding a comprehensive performance accountability*  
18 *system for adult education courses offered pursuant to Sections*  
19 *41976 and 84757. The department and the chancellor's office shall*  
20 ~~develop guidelines and procedures~~ *recommendations* for all adult  
21 education-funded providers for assessment, evaluation, and data  
22 collection to document participant outcomes and placement, and  
23 other ~~performance~~ measures they deem appropriate. ~~Performance~~  
24 *Accountability* measures may include receipt of a secondary school  
25 diploma or its recognized equivalent, placement in a postsecondary  
26 educational institution, training, and employment. ~~To the extent~~  
27 ~~possible, these performance measures shall be consistent with~~  
28 ~~those required and implemented pursuant to the federal Workforce~~  
29 ~~Investment Act of 1998, Title II, Adult Education and Family~~  
30 ~~Literacy Act (Public Law 105-220).~~ All funded programs shall be  
31 required to annually submit demographic and other student-level  
32 outcome information to the department or the chancellor's office,  
33 as appropriate.

34 (c) *The department, in conjunction with the chancellor's office,*  
35 *and as a part of the report and recommendations required pursuant*  
36 *to paragraph (1) of subdivision (f) of Section 84830, shall*  
37 *coordinate and issue both of the following:*

38 (1) *Recommendations and fee policy guidelines to be used by*  
39 *school districts and community college districts regarding the*  
40 *authority to charge fees for courses offered pursuant to Section*

1 84830. *With respect to these recommendations and guidelines, it*  
2 *is the intent of the Legislature that:*

3 (A) *Registration and course fees should be equivalent across*  
4 *all programs.*

5 (B) *Fees should not generate income beyond the cost of*  
6 *providing the courses.*

7 (C) *Fees should not create a barrier to student access to adult*  
8 *education programs.*

9 (2) *Recommendations and policy guidelines regarding the use*  
10 *of a single student identifier to be used by school districts and*  
11 *community college districts for purposes of developing a*  
12 *comprehensive accountability system pursuant to the requirements*  
13 *of Section 84830.*

14 (e)

15 (d) As used in this section, “chancellor’s office” means the  
16 Office of the Chancellor of the California Community Colleges.

17 SEC. 4. ~~Section 76382 is added to the Education Code, to read:~~

18 ~~76382. In order to ensure that community college districts have~~  
19 ~~the capacity to meet the demand for adult education courses for~~  
20 ~~recent immigrants, the governing board of a community college~~  
21 ~~district may charge a fee, pursuant to regulations adopted by the~~  
22 ~~board of governors and consistent with subdivision (a) of Section~~  
23 ~~52612 and Section 76380, for classes it offers pursuant to Section~~  
24 ~~84757, other than classes in English and citizenship. Any~~  
25 ~~community college district that chooses to charge a fee under this~~  
26 ~~section shall report the amount of the fee, the number of classes,~~  
27 ~~and enrollment in those classes to the Office of the Chancellor of~~  
28 ~~the California Community Colleges. The chancellor’s office shall~~  
29 ~~make the information reported under this section available to the~~  
30 ~~Legislative Analyst’s Office. The Legislative Analyst’s Office~~  
31 ~~shall provide a summary and analysis of the reported information~~  
32 ~~to the Assembly Committee on Budget, the Assembly Committee~~  
33 ~~on Higher Education, the Senate Committee on Budget and Fiscal~~  
34 ~~Review, and the Senate Committee on Education by January 1,~~  
35 ~~2016.~~

36 SEC. 5.

37 SEC. 2. Section 78402 is added to the Education Code, to read:

38 78402. (a) The chancellor’s office, in conjunction with the  
39 department, shall coordinate and issue assessment policy guidelines  
40 regarding assessments to be used by school districts and community

1 college districts for purposes of placement in adult education  
2 courses offered pursuant to ~~Sections 41976 and~~ Section 84830 and  
3 paragraphs (2) to (6), inclusive, of subdivision (a) of Section  
4 84757.

5 (b) The department and the chancellor's office, *as a part of the*  
6 *report and recommendations required pursuant to paragraph (1)*  
7 *of subdivision (f) of Section 84830*, shall jointly ~~establish and~~  
8 ~~implement~~ *develop and issue policy recommendations to the*  
9 *Legislature regarding a comprehensive performance accountability*  
10 *system for adult education courses offered pursuant to Sections*  
11 ~~41976 and~~ *Section 84830 and paragraphs (2) to (6), inclusive, of*  
12 *subdivision (a) of Section 84757*. The department and the  
13 chancellor's office shall develop ~~guidelines and procedures~~  
14 *recommendations* for all adult education-funded providers for  
15 assessment, evaluation, and data collection to document participant  
16 outcomes and placement, and other performance measures they  
17 deem appropriate. ~~Performance Accountability~~ measures may  
18 include receipt of a secondary school diploma or its recognized  
19 equivalent, placement in a postsecondary educational institution,  
20 training, and employment. ~~To the extent possible, these~~  
21 ~~performance measures shall be consistent with those required and~~  
22 ~~implemented pursuant to the federal Workforce Investment Act~~  
23 ~~of 1998, Title II, Adult Education and Family Literacy Act (Public~~  
24 ~~Law 105-220)~~. All funded programs shall be required to annually  
25 submit demographic and other student-level outcome information  
26 to the department or the chancellor's office, as appropriate.

27 (c) *The chancellor's office, in conjunction with the department,*  
28 *and as a part of the report and recommendations required pursuant*  
29 *to paragraph (1) of subdivision (f) of Section 84830, shall*  
30 *coordinate and issue both of the following:*

31 (1) *Recommendations and fee policy guidelines to be used by*  
32 *school districts and community college districts regarding the*  
33 *authority to charge fees for courses offered pursuant to Section*  
34 *84830. With respect to these recommendations and guidelines, it*  
35 *is the intent of the Legislature that:*

36 (A) *Registration and course fees should be equivalent across*  
37 *all programs.*

38 (B) *Fees should not generate income beyond the cost of*  
39 *providing the courses.*



1 (C) Fees should not create a barrier to student access to adult  
2 education programs.

3 (2) Recommendations and policy guidelines regarding the use  
4 of a single student identifier to be used by school districts and  
5 community college districts for purposes of developing a  
6 comprehensive accountability system pursuant to the requirements  
7 of Section 84830.

8 (e)

9 (d) As used in this section, “department” means the State  
10 Department of Education.

11 SEC. 6. ~~Section 84757 of the Education Code is amended to~~  
12 ~~read:~~

13 ~~84757. (a) For purposes of this chapter, the following noncredit~~  
14 ~~adult education courses and classes shall be eligible for funding:~~

15 ~~(1) Parenting, including parent cooperative preschools, and~~  
16 ~~classes in child growth and development and parent-child~~  
17 ~~relationships.~~

18 ~~(2) Elementary and secondary basic skills and other courses and~~  
19 ~~classes such as remedial academic courses or classes in reading,~~  
20 ~~mathematics, and language arts.~~

21 ~~(3) English as a second language.~~

22 ~~(4) Classes and courses for immigrants eligible for educational~~  
23 ~~services in citizenship, English as a second language, and work~~  
24 ~~force preparation classes in the basic skills of speaking, listening,~~  
25 ~~reading, writing, mathematics, decisionmaking and problem solving~~  
26 ~~skills, and other classes required for preparation to participate in~~  
27 ~~job-specific technical training.~~

28 ~~(5) Education programs for persons with substantial disabilities.~~

29 ~~(6) Short-term vocational programs with high employment~~  
30 ~~potential.~~

31 ~~(7) Programs for older adults.~~

32 ~~(8) Programs in home economics.~~

33 ~~(9) Programs in health and safety education.~~

34 ~~(b) State apportionment shall not be made for any course or~~  
35 ~~class that is not set forth in subdivision (a) and for which no credit~~  
36 ~~is given.~~

37 ~~(c) This section shall become inoperative on July 1, 2015, and,~~  
38 ~~as of January 1, 2016, is repealed, unless a later enacted statute,~~  
39 ~~that becomes operative on or before January 1, 2016, deletes or~~  
40 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 ~~SEC. 7. Section 84757 is added to the Education Code, to read:~~

2 ~~84757. (a) For purposes of this chapter, the following noncredit~~  
3 ~~adult education courses and classes shall be eligible for funding:~~

4 ~~(1) Elementary and secondary basic skills and other courses and~~  
5 ~~classes such as remedial academic courses or classes in reading,~~  
6 ~~mathematics, and language arts.~~

7 ~~(2) English as a second language.~~

8 ~~(3) Classes and courses for immigrants eligible for educational~~  
9 ~~services in citizenship, English as a second language, and work~~  
10 ~~force preparation classes in the basic skills of speaking, listening,~~  
11 ~~reading, writing, mathematics, decisionmaking and problem solving~~  
12 ~~skills, and other classes required for preparation to participate in~~  
13 ~~job-specific technical training.~~

14 ~~(4) Education programs for persons with substantial disabilities.~~

15 ~~(5) Short-term vocational programs with high employment~~  
16 ~~potential.~~

17 ~~(b) State apportionment shall not be made for any course or~~  
18 ~~class that is not set forth in subdivision (a) and for which no credit~~  
19 ~~is given.~~

20 ~~(c) This section does not limit the authority of a community~~  
21 ~~college district to offer adult education programs and courses for~~  
22 ~~older adults in health and safety education or programs in~~  
23 ~~parenting, or both, provided that those programs or courses are~~  
24 ~~funded through alternative funding sources, including fees, if the~~  
25 ~~community college district is authorized to charge fees for these~~  
26 ~~purposes.~~

27 ~~(d) As used in this section:~~

28 ~~(1) "Alternative funding sources" include any sources of state~~  
29 ~~or nonstate funding other than funding from a state apportionment~~  
30 ~~as defined in paragraph (2).~~

31 ~~(2) "State apportionment" includes funds received pursuant to~~  
32 ~~Budget Act appropriations for adult education, but does not include~~  
33 ~~funds received pursuant to Budget Act appropriations from other~~  
34 ~~state or nonstate funding sources.~~

35 ~~(e) This section shall become operative on July 1, 2015.~~

36 ~~SEC. 3. Section 84757.5 is added to the Education Code, to~~  
37 ~~read:~~

38 ~~84757.5. (a) The chancellor's office, in conjunction with the~~  
39 ~~department, shall annually report on the number and types of~~  
40 ~~courses being taught and the number of students being served with~~

1 *funding provided to the regional consortia established pursuant*  
2 *to Section 84830. The chancellor's office shall annually report on*  
3 *the number and types of noncredit courses being taught and the*  
4 *number of students being served with funding provided to the*  
5 *community colleges for the courses offered pursuant to Section*  
6 *84757.*

7 *(b) The chancellor's office shall identify any deficits in course*  
8 *offerings based upon levels, types, and needs for adult education*  
9 *programs identified in the consortia plans submitted as required*  
10 *under subdivision (c) of Section 84830.*

11 ~~SEC. 8.~~

12 *SEC. 4.* The Commission on Teacher Credentialing and the  
13 Academic Senate for California Community Colleges shall meet  
14 to review their current requirements for noncredit adult education  
15 and adult education instructors, and shall develop and submit  
16 recommendations to the appropriate policy and fiscal committees  
17 of the Legislature for modifying or establishing reciprocity  
18 standards for instructors of adult education courses by July 1, 2015.

19 ~~SEC. 9.~~

20 *SEC. 5.* It is the intent of the Legislature to evaluate the  
21 ~~performance~~ *guidelines for the* accountability system established  
22 pursuant to Sections 52524 and 78402 of the Education Code and  
23 to consider allocating base adult education funds and noncredit  
24 adult education funds to providers on the basis of a combination  
25 ~~of enrollment and performance~~ *identified needs, enrollment, and*  
26 *outcomes* in courses offered pursuant to ~~Sections 41976 and Section~~  
27 *84830 and paragraphs (2) to (6), inclusive, of subdivision (a) of*  
28 *Section 84757 of the Education Code.*